

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3 SAN JOSE DIVISION

4 KANYON SAYERS-ROODS,

5 PLAINTIFF,

CASE NO. CV-20-3092-EJD

6 VS.

SAN JOSE, CALIFORNIA

7 MARLENE RITA MACHADO,

JUNE 16, 2022

8 DEFENDANT.

PAGES 1 - 26

9  
10 TRANSCRIPT OF PROCEEDINGS  
11 BEFORE THE HONORABLE EDWARD J. DAVILA  
12 UNITED STATES DISTRICT JUDGE

13 A-P-P-E-A-R-A-N-C-E-S

14 FOR THE PLAINTIFF:

BY: KANYON SAYERS-ROODS

1 INDIAN CANYON ROAD

INDIAN CANYON

15 HOLLISTER, CALIFORNIA 95122

16  
17 OFFICIAL COURT REPORTER:

IRENE L. RODRIGUEZ, CSR, RMR, CRR  
18 CERTIFICATE NUMBER 8074

19 PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY,  
20 TRANSCRIPT PRODUCED WITH COMPUTER.  
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22  
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SAN JOSE, CALIFORNIA

JUNE 25, 2022

P R O C E E D I N G S

(COURT CONVENED AT 11:03 A.M.)

11:03AM THE COURT: LET'S TURN TO THE NEXT MATTER, 22-3092,  
11:03AM SAYERS-ROODS VERSUS MACHADO. IF THOSE PARTIES COULD COME  
11:03AM FORWARD, PLEASE.

11:03AM GOOD MORNING. MAY I KNOW YOUR NAME.

11:03AM MS. SAYERS-ROODS: MY NAME IS KANYON SAYERS-ROODS.

11:03AM THE COURT: ALL RIGHT. YOU'RE A PLAINTIFF IN THIS  
11:03AM MATTER?

11:03AM MS. SAYERS-ROODS: I AM.

11:03AM THE COURT: AND IS MARLENE RITA MACHADO PRESENT?

11:03AM I SEE OR HEAR NO RESPONSE. THE RECORD SHOULD REFLECT THAT  
11:03AM IT'S 10:59, AND THIS IS A 10:00 O'CLOCK CALENDAR. MS. MACHADO  
11:03AM IS NOT PRESENT.

11:03AM WAS SHE SERVED WITH THIS DOCUMENT?

11:03AM MS. SAYERS-ROODS: I DO KNOW SHE WAS SERVED WITH A  
11:03AM COMPLAINT ON JUNE 9TH, AND THERE WAS ALSO AN EFFORT THAT WAS  
11:03AM MADE OVER THE PHONE.

11:03AM THE COURT: OKAY. THANK YOU.

11:03AM WELL, I SET THIS CASE, MS. SAYERS-ROODS, BECAUSE I LOOKED  
11:03AM AT YOUR LAWSUIT, AND I'M CURIOUS ABOUT WHETHER OR NOT -- AND  
11:03AM YOU READ MY ORDER -- I'M CURIOUS WHETHER OR NOT THIS COURT  
11:03AM ACTUALLY HAS JURISDICTION, THAT IS, WHETHER THIS COURT HAS --

11:03AM 1 THIS IS THE APPROPRIATE COURT TO HEAR YOUR CASE. IT'S CALLED  
11:03AM 2 ORDER TO SHOW CAUSE. IT'S BASICALLY ASKING THE PARTY TO COME  
11:03AM 3 IN AND ANSWER THAT QUESTION, BECAUSE AS I LOOKED AT THE LAW  
11:03AM 4 THAT RELATES TO THE LAWSUIT, I'M NOT CERTAIN THAT I CAN HEAR  
11:03AM 5 THE CASE, NOTWITHSTANDING THE GROUND THAT YOU STATED. AND  
11:03AM 6 THAT'S WHY I WANTED YOU TO APPEAR.

11:03AM 7 FIRST OF ALL, LET ME ASK YOU, HAVE YOU HAD THE OPPORTUNITY  
11:03AM 8 TO SPEAK WITH OUR PRO SE LAWYER? WE HAVE A LAWYER HERE THAT  
11:03AM 9 WE, THE COURT, PAYS FOR THIS LAWYER, AND HE HAS AN OFFICE HERE  
11:03AM 10 ON THE SECOND FLOOR. HIS JOB IS TO HELP PRO SE LITIGANTS,  
11:03AM 11 PEOPLE WHO ARE APPEARING IN COURT WITHOUT LAWYERS, AND HIS JOB  
11:03AM 12 IS TO HELP THEM WITH THEIR LAWSUIT, HELP GIVE THEM GUIDANCE.  
11:03AM 13 HE'S NOT REPRESENTING ANYONE, BUT HE PROVIDES GUIDANCE FOR THE  
11:03AM 14 LAWSUIT.

11:03AM 15 HAVE YOU HAD AN OPPORTUNITY TO SPEAK WITH HIM?

11:03AM 16 MS. SAYERS-ROODS: TO SPEAK WITH HIM? NO. TO  
11:03AM 17 REVIEW THE HANDBOOK? YES.

11:03AM 18 THE COURT: OKAY. OKAY. I THINK I PUT IN THE ORDER  
11:03AM 19 TO SHOW CAUSE AN INVITATION, A SUGGESTION THAT YOU MIGHT WANT  
11:03AM 20 TO DO THAT TO GET SOME ASSISTANCE.

11:03AM 21 BUT OKAY. THANK YOU.

11:03AM 22 SO WHAT WOULD YOU LIKE ME TO KNOW THIS MORNING?

11:03AM 23 MS. SAYERS-ROODS: WELL, I HAVE CURRENTLY DOCKET  
11:03AM 24 ITEM NUMBER 163. I HAVE THE U.S.P.S. INSPECTOR GENERAL  
11:03AM 25 DECLARING THAT THERE IS SPECIAL JURISDICTION REGARDING OUR

11:03AM 1 RURAL MAILBOX AND POSTAL BOX.

11:03AM 2 THE COURT: SO YOU HAVE -- IT SOUNDS LIKE YOU HAVE  
11:03AM 3 REFERRED THE CONDUCT THAT YOU ALLEGE MS. MACHADO HAS ENGAGED IN  
11:03AM 4 TO THE UNITED STATES POSTAL INSPECTION.

11:03AM 5 MS. SAYERS-ROODS: YES.

11:03AM 6 THE COURT: OKAY. WHEN DID YOU DO THAT?

11:03AM 7 MS. SAYERS-ROODS: WHICH ONE?

11:03AM 8 THE COURT: THE POSTAL.

11:03AM 9 MS. SAYERS-ROODS: OH. I RECEIVED THIS LETTER, I  
11:03AM 10 RECEIVED -- I SUBMITTED IT ON THE 6TH. HOWEVER, WHEN I PURSUED  
11:03AM 11 IT, JUNE 3RD, TO CONFIRM THAT WE HAVE PROOF THAT IT IS OUR  
11:03AM 12 POSTAL BOX, SO YOU HAVE THE RIGHT PROOF.

11:03AM 13 THE COURT: MY QUESTION WAS HAVE YOU SENT THIS --  
11:03AM 14 HAVE YOU ISSUED A COMPLAINT?

11:03AM 15 MS. SAYERS-ROODS: YES.

11:03AM 16 THE COURT: THAT THERE'S BEEN INTERFERENCE?

11:03AM 17 MS. SAYERS-ROODS: TO THE POSTAL?

11:03AM 18 THE COURT: YES.

11:03AM 19 MS. SAYERS-ROODS: I BELIEVE SO. YES, CRIMINAL  
11:03AM 20 INVESTIGATIONS CENTER, YES.

11:03AM 21 THE COURT: RIGHT. DO YOU HAVE THAT LETTER? DO YOU  
11:03AM 22 WANT ME TO LOOK AT WHAT YOU SENT?

11:03AM 23 MS. SAYERS-ROODS: YES, SURE.

11:03AM 24 THE COURT: YOU CAN HAND IT TO OUR CLERK.

11:03AM 25 MS. SAYERS-ROODS: IT'S THE AA EXHIBIT. IT'S NOT ON

11:03AM 1 TOP. I APOLOGIZE.

11:03AM 2 THE COURT: OH, THIS IS THE DOCUMENT.

11:03AM 3 MS. SAYERS-ROODS: YEAH, APOLOGIES.

11:03AM 4 THE COURT: NO. I SEE IT. YEAH.

11:03AM 5 I'M CURIOUS WHETHER OR NOT, NOT WHETHER YOU FILED IT IN  
11:03AM 6 THIS COURT, BUT WHETHER YOU FILED A REQUEST OR A COMPLAINT  
11:03AM 7 DIRECTLY TO THE POSTAL SERVICE REGARDING WHAT MS. MACHADO HAS  
11:03AM 8 BEEN DOING?

11:03AM 9 MS. SAYERS-ROODS: CURRENTLY I'M SEEKING YOUR  
11:03AM 10 ASSISTANCE FOR A TEMPORARY RESTRAINING ORDER TO --

11:03AM 11 THE COURT: RIGHT. LET ME GIVE YOU THESE BACK.

11:03AM 12 THE CLERK: I'M SORRY.

11:03AM 13 THE COURT: RIGHT. THAT'S THE QUESTION OF WHETHER  
11:03AM 14 OR NOT I HAVE JURISDICTION TO EVEN HEAR THAT, TO HEAR THE  
11:03AM 15 TEMPORARY RESTRAINING ORDER.

11:03AM 16 BUT MY QUESTION IS, BECAUSE WHEN I LOOK AT THE LAW, IT  
11:03AM 17 SEEMS TO ME, MS. SAYERS ROODS, THAT TO FOLLOW UP WITH THE  
11:04AM 18 CONDUCT THAT YOU'VE ALLEGED MS. MACHADO HAS DONE, THIS CONDUCT  
11:04AM 19 I'M REFERRING TO IS HER INTERFERING WITH YOU RECEIVING MAIL AT  
11:04AM 20 THE POST OFFICE BOX, AT YOUR MAILBOX, PARDON ME, THAT YOU  
11:04AM 21 CLEARLY IDENTIFY IN THESE DOCUMENTS, THAT COMPLAINT IS  
11:04AM 22 SOMETHING THAT THE COURT DOESN'T HAVE ORIGINAL JURISDICTION  
11:04AM 23 OVER, BUT THAT'S SOMETHING THAT IT SEEMS THAT THE APPROPRIATE  
11:04AM 24 COURSE OF CONDUCT FOR YOU, WHAT YOU SHOULD DO IS TO -- AND I'M  
11:04AM 25 NOT GIVING YOU LEGAL ADVICE, BUT IT APPEARS THAT THAT TYPE OF

11:04AM 1 COMPLAINT SHOULD GO DIRECTLY TO THE POSTMASTER GENERAL, THE  
11:04AM 2 POST OFFICE, AND THEY HAVE AN INVESTIGATION -- THEY HAVE THEIR  
11:04AM 3 OWN POLICE. THEY HAVE THEIR OWN INVESTIGATION DIVISION THAT  
11:04AM 4 THEN WILL INVESTIGATE THAT TYPE OF ACTIVITY, AND THAT'S WHY I  
11:05AM 5 WAS ASKING IF YOU HAD CONTACTED THE POSTAL SERVICE FOR THAT.

11:05AM 6 MS. SAYERS-ROODS: I DIDN'T REALIZE THAT.

11:05AM 7 I DO ALSO WANT TO POINT OUT THAT MARLENE MACHADO IS  
11:05AM 8 CURRENTLY IN INDIAN COUNTRY, AND SHE'S CONSISTENTLY INTERFERING  
11:05AM 9 WITH INGOING AND OUTGOING.

11:05AM 10 THE COURT: YES.

11:05AM 11 MS. SAYERS-ROODS: AND I HADN'T REALIZED THAT THE  
11:05AM 12 POSTAL CRIMINAL INVESTIGATORS WERE ALLOWED TO HAVE JURISDICTION  
11:05AM 13 TO REMOVE HER HENCE THE REASON --

11:05AM 14 THE COURT: NO, I DIDN'T SAY THAT. I DIDN'T SAY  
11:05AM 15 THAT. NO.

11:05AM 16 BUT THEY HAVE JURISDICTION OVER THE MAILBOX.

11:05AM 17 MS. SAYERS-ROODS: CORRECT, I GET THAT.

11:05AM 18 THE COURT: AND SO PART OF YOUR COMPLAINT, I  
11:05AM 19 BELIEVE, IS THAT MS. MACHADO IS EITHER STEALING OR SOMEHOW  
11:05AM 20 INTERFERING WITH YOUR RECEIPT OF UNITED STATES MAIL.

11:05AM 21 MS. SAYERS-ROODS: YES.

11:05AM 22 THE COURT: AND THAT IS WHAT THE POSTAL SERVICE  
11:05AM 23 WOULD DO, THEY WOULD INITIATE AN INVESTIGATION ABOUT THAT  
11:05AM 24 COMPLAINT, AND THEY HAVE A POLICE FORCE, A LAW ENFORCEMENT  
11:05AM 25 INVESTIGATION DIVISION THAT THEY, IF YOU MAKE A COMPLAINT TO

11:06AM 1 THEM, THEY'RE OBLIGATED TO INVESTIGATE.

11:06AM 2 THEY WON'T DO AN INVESTIGATION ABOUT TRESPASSES THAT  
11:06AM 3 MS. MACHADO IS ON INDIAN LAND, BUT THEY WILL INVESTIGATE YOUR  
11:06AM 4 ALLEGATIONS THAT SHE IS DISRUPTING YOUR POSTAL SERVICE.

11:06AM 5 DOES THAT MAKE SENSE?

11:06AM 6 MS. SAYERS-ROODS: THAT DOES.

11:06AM 7 THE COURT: NOW, THE ISSUE -- AND WHAT I UNDERSTAND  
11:06AM 8 FROM YOUR PAPERS ARE THAT THERE IS A NON, NON-TRIBAL PERSON ON  
11:06AM 9 IDENTIFIED TRIBAL LAND AND SHE'S INTERFERING. SHE HAS NO  
11:06AM 10 BUSINESS ON THE LAND FROM YOUR PERSPECTIVE. AND YOU WOULD LIKE  
11:06AM 11 HER EITHER REMOVED OR SOMEHOW TO RESTRAIN THE CONDUCT THAT  
11:06AM 12 SHE'S BEEN ENGAGED IN.

11:06AM 13 I READ YOUR DECLARATIONS ABOUT THE TREATMENT OF YOUR  
11:06AM 14 MOTHER, I BELIEVE IT IS.

11:06AM 15 MS. SAYERS-ROODS: YES.

11:06AM 16 THE COURT: AS WELL AS TRIBAL ARTIFACTS.

11:06AM 17 MS. SAYERS-ROODS: YES.

11:06AM 18 THE COURT: AND HER INTERFERENCE WITH TRIBAL  
11:07AM 19 GOVERNANCE.

11:07AM 20 MS. SAYERS-ROODS: YES.

11:07AM 21 THE COURT: LET ME ASK A QUESTION, DOES YOUR TRIBE  
11:07AM 22 HAVE, DO YOU HAVE, DOES YOUR NATION HAVE A TRIBAL COUNCIL?

11:07AM 23 MS. SAYERS-ROODS: CURRENTLY WE HAVE A SMALL COUNCIL  
11:07AM 24 OF ELDERS. THE COSTANOAN-CHUALAR INDIAN TRIBAL COMMUNITY OF  
11:07AM 25 INDIAN CANYON IS LOCATED ON CANYON ROAD DOES HAVE A SMALL ELDER

11:07AM 1 COUNCIL.

11:07AM 2 THE COURT: RIGHT. AND HAS THE COUNCIL DEALT WITH  
11:07AM 3 THIS ISSUE OF MS. MACHADO AND HAVE THEY TAKEN ACTION?

11:07AM 4 MS. SAYERS-ROODS: THE ACTION HAS BEEN DECLARING  
11:07AM 5 MYSELF AS TRIBAL CHAIR AND TO PURSUE LEGAL ACTION THROUGH  
11:07AM 6 FEDERAL COURT TO REMOVE HER FROM FEDERAL LAND AS TO WHY I'M  
11:07AM 7 ATTEMPTING TO PRESENT THIS CASE TO YOU.

11:07AM 8 THE COURT: I SEE. OKAY. I UNDERSTAND.

11:07AM 9 HAS THAT -- HAS THEIR DECISION THEN MEMORIALIZED, LET ME  
11:08AM 10 SAY, HAVE THEY ISSUED A WRITTEN DECISION, SOMETHING THAT IS ON  
11:08AM 11 PAPER THAT IDENTIFIES THE COUNCIL?

11:08AM 12 MS. SAYERS-ROODS: YES.

11:08AM 13 THE COURT: OKAY. DO YOU HAVE THAT?

11:08AM 14 MS. SAYERS-ROODS: TODAY I DON'T HAVE A PRINTOUT. I  
11:08AM 15 DO HAVE THAT ON RECORD.

11:08AM 16 THE COURT: OKAY. I ASK THIS QUESTION BECAUSE IF  
11:08AM 17 THE COUNCIL HAS MADE THAT DECISION, THEY COULD MAKE A DECISION  
11:08AM 18 TO HAVE YOU PURSUE RELIEF WITH THE SHERIFF, SAN BENITO COUNTY  
11:08AM 19 SHERIFF, AND IF YOU HAVE A DOCUMENT THAT THE TRIBAL COUNCIL,  
11:08AM 20 HAS MET, HAS HEARD THIS ISSUE, AND THE TRIBAL COUNCIL REFERS  
11:08AM 21 THIS MATTER TO THE SAN BENITO -- I THINK IT'S IN SAN BENITO  
11:08AM 22 COUNTY. IT'S NOT MONTEREY COUNTY.

11:08AM 23 MS. SAYERS-ROODS: CORRECT.

11:08AM 24 THE COURT: RIGHT. REFERRED TO THE SAN BENITO  
11:08AM 25 COUNTY SHERIFF FOR HER OR HIS ACTION, THAT MIGHT BE ANOTHER



11:09AM 1 ALTERNATIVE RELIEF, AND THEN, BECAUSE THE SHERIFF DOES HAVE,  
11:09AM 2 THEY DO HAVE AUTHORITY AND THE OPPORTUNITY TO GO ON INDIAN LAND  
11:09AM 3 AND ENFORCE, ENFORCE LAWS, CALIFORNIA LAW, IF THIS PERSON IS  
11:09AM 4 ENGAGED IN A VIOLATION OF CALIFORNIA LAW, THE PENAL CODE, AND  
11:09AM 5 IT MIGHT BE PENAL CODE 602, WHICH IS A TRESPASS, IT MIGHT BE  
11:09AM 6 PENAL CODE 415, WHICH IS DISTURBING THE PEACE, IT MIGHT BE  
11:09AM 7 PENAL CODE 240, 242, WHICH ARE ASSAULT AND BATTERY. AGAIN,  
11:09AM 8 PENAL CODE 415 IS DISTURBING THE PEACE. IT COULD BE --  
11:09AM 9 TRESPASS IS 602. THAT'S ANOTHER PENAL CODE. THESE ARE ALL  
11:09AM 10 MISDEMEANORS.

11:09AM 11 IT COULD BE THAT SHE'S ENGAGED IN THE THEFT OF PROPERTY OR  
11:10AM 12 DISTURBING PROPERTY, THAT'S UNDER PENAL CODE SECTION 484. I'M  
11:10AM 13 JUST GIVING YOU THIS -- I'M NOT GIVING YOU LEGAL ADVICE,  
11:10AM 14 PLEASE.

11:10AM 15 MS. SAYERS-ROODS: I UNDERSTAND THAT.

11:10AM 16 THE COURT: BUT I'M JUST TELLING YOU THAT AT LEAST  
11:10AM 17 WHAT SOME OF THESE SECTIONS THAT YOU MIGHT WANT TO LOOK AT.

11:10AM 18 AND IT MAY BE THAT IF THE COUNCIL MAKES A REFERRAL, THEN  
11:10AM 19 THE SHERIFF MIGHT TAKE SOME ACTION. MY SENSE IS THAT THE  
11:10AM 20 SHERIFF HAS NOT TAKEN ANY ACTION BECAUSE THEY FEEL THEY DON'T  
11:10AM 21 HAVE AUTHORITY TO GO ON INDIAN LAND.

11:10AM 22 THERE'S A GENTLEMAN OUT HERE WHO KEEPS NODDING HIS HEAD OR  
11:10AM 23 SHAKING HIS HEAD. IS HE RELATED TO THIS CASE?

11:10AM 24 MS. SAYERS-ROODS: HE IS STAFF TO THE TRIBE. HE'S A  
11:10AM 25 WITNESS AS WELL.

11:10AM 1 THE COURT: SURE. SHOULD I SPEAK WITH HIM?

11:10AM 2 MS. SAYERS-ROODS: IF YOU WILL PERMIT, YES, PLEASE.

11:10AM 3 THE COURT: SURE. SIR, DO YOU WANT TO COME FORWARD?

11:10AM 4 THANK YOU FOR BEING HERE.

11:10AM 5 MS. SAYERS-ROODS: THIS IS CARY LEE PETERSON.

11:10AM 6 THE COURT: OKAY. SIR, IF YOU COULD JUST SPEAK INTO

11:11AM 7 THE MICROPHONE. YOU CAN COME UP HERE. NO, NO, YOU CAN COME UP

11:11AM 8 HERE.

11:11AM 9 MR. PETERSON: THANK YOU, YOUR HONOR.

11:11AM 10 THE COURT: IF YOU COULD STATE YOUR NAME AND SPELL

11:11AM 11 IT, PLEASE.

11:11AM 12 MR. PETERSON: MY NAME IS CARY PETERSON, C-A-R-Y,

11:11AM 13 P-E-T-E-R-S-O-N.

11:11AM 14 THE COURT: THANK YOU. MAY I JUST KNOW YOUR

11:11AM 15 CONNECTION TO THIS CASE?

11:11AM 16 MR. PETERSON: I'M THE CHIEF FOR LEGAL AFFAIRS AND

11:11AM 17 CHIEF ADVISOR TO TRIBAL COUNCIL FOR THE COSTANOAN-CHUALAR

11:11AM 18 INDIAN TRIBAL COMMUNITY OF INDIAN CANYON.

11:11AM 19 THE COURT: THANK YOU. THANK YOU FOR BEING HERE,

11:11AM 20 SIR.

11:11AM 21 ARE YOU AN ATTORNEY?

11:11AM 22 MR. PETERSON: NO, YOUR HONOR, I'M NOT AN ATTORNEY

11:11AM 23 IN THE STATE OF CALIFORNIA. I DO HAVE A LAW DEGREE. I'M A

11:11AM 24 REGISTERED LAW REGISTRANT FOR U.S. CONGRESS. I HAD PRACTICED

11:11AM 25 LAW IN MICRONESIA, I PRACTICED LAW IN D.C., AND I PRACTICED LAW

11:11AM 1 IN THE TRIBAL COURT, BUT I'M NOT AN ATTORNEY IN THE STATE OF  
11:12AM 2 CALIFORNIA. I JUST WANT TO MAKE THAT CLEAR FOR THE RECORD.

11:12AM 3 THE COURT: NO. THANK YOU.

11:12AM 4 MR. PETERSON: CURRENTLY I'M A CONTINUED GRADUATE  
11:12AM 5 STUDENT AT HARVARD UNIVERSITY. I'M STUDYING L1 AND FINISH AT  
11:12AM 6 U.S.C. GOLD, AND I HAVE GOT A DOCTORATE DEGREE IN LAW IN  
11:12AM 7 INTERNATIONAL AFFAIRS AND INTERNATIONAL DIPLOMACIES FROM UNION  
11:12AM 8 UNIVERSITY AUGP.

11:12AM 9 THE COURT: OKAY. THANK YOU VERY MUCH.

11:12AM 10 WELL, SIR, IT APPEARS THAT YOU HAVE HAD SOME INVOLVEMENT  
11:12AM 11 IN THIS CASE, AND YOU'VE SEEN THE ORDER TO SHOW CAUSE THAT I  
11:12AM 12 ISSUED IN REGARDS TO JURISDICTION IN THIS MATTER.

11:12AM 13 HAVE YOU SEEN THAT?

11:12AM 14 MR. PETERSON: YOUR HONOR, YES, I'M FAMILIAR WITH  
11:12AM 15 THE RECORD ENTRY FROM DOCKET 1 THROUGH 25.

11:12AM 16 THE COURT: GREAT. THANK YOU.

11:12AM 17 SO WHAT I WAS SUGGESTING TO MS. SAYERS-ROODS IS TO SPEAK  
11:12AM 18 WITH OUR PRO SE LAWYER WHO IS HERE IN THE COURTHOUSE TO GIVE  
11:12AM 19 ADVICE ON THE PLEADINGS BECAUSE I HAVE SOME SERIOUS CONCERNS  
11:12AM 20 ABOUT WHETHER OR NOT THIS COURT HAS JURISDICTION JUST BASED ON  
11:13AM 21 THE PLEADINGS THAT ARE IN FRONT OF ME NOW. THAT WAS MY  
11:13AM 22 CONCERN.

11:13AM 23 MR. PETERSON: YOUR HONOR, WOULD IT BE POSSIBLE TO  
11:13AM 24 GET A REHEARING ON DOCKET 16-3 DUE TO THE FACT THAT IT TACITLY  
11:13AM 25 STATES IN THE OPENING OF THAT PARTICULAR STATEMENT FROM THE

11:13AM 1 U.S.P.S., AND I DID PERSONALLY SPEAK WITH THE U.S.P.S.  
11:13AM 2 INSPECTOR GENERAL FOR THE REGIONAL DIVISION OF SAN FRANCISCO,  
11:13AM 3 AND I ASSISTED MS. SAYERS-ROODS TO SUBMIT THE COMPLAINT, AND  
11:13AM 4 16-3 IS THE RESPONSE FROM THE INSPECTOR GENERAL WITH RESPECT TO  
11:13AM 5 THE COMPLAINT THAT DECLARES FEDERAL JURISDICTION IN THE FIRST  
11:13AM 6 SENTENCE.

11:13AM 7 THE COURT: ALL RIGHT.

11:13AM 8 MR. PETERSON: WITH RESPECT TO THE MAILBOX ONLY,  
11:13AM 9 YOUR HONOR, WHICH IS CAUSE CLAIM TWO.

11:13AM 10 THE COURT: RIGHT. SO MY QUESTION IS WHETHER OR NOT  
11:13AM 11 THIS COURT HAS JURISDICTION OVER THE OTHER MATTERS THAT SHE'S  
11:13AM 12 ASKING THE COURT TO TAKE ACTION ON, THAT IS, A RESTRAINING  
11:13AM 13 ORDER AS TO MS. MACHADO, AND THOSE ARE TWO SEPARATE THINGS.

11:14AM 14 NOW, MY SENSE IS THAT I DON'T KNOW IF THE SHERIFF HAS BEEN  
11:14AM 15 CALLED TO INTERVENE AND TO REMOVE MS. MACHADO.

11:14AM 16 MR. PETERSON: YES, YOUR HONOR. I'VE BEEN IN  
11:14AM 17 CORRESPONDENCE FOR THE LAST TWO MONTHS WITH THE BUREAU OF  
11:14AM 18 INDIAN AFFAIRS, THE CALIFORNIA ATTORNEY GENERAL INDIAN AFFAIRS  
11:14AM 19 OFFICE, AND WITH THE SAN BENITO COUNTY DISTRICT ATTORNEY AND  
11:14AM 20 SHERIFF.

11:14AM 21 THE COURT: AND HAS THE SHERIFF BEEN OUT TO ASSIST  
11:14AM 22 IN THE ISSUE OF MS. MACHADO?

11:14AM 23 MR. PETERSON: THE SHERIFF AS OF THE 9TH OF JUNE,  
11:14AM 24 THEY WERE STANDING BY AS AN ESCORT OR A CIVIL STANDBY TO THE  
11:14AM 25 EFFECT THAT THE SERVICE OF PROCESS OF MS. MACHADO.

11:14AM 1 WE HIRED A PROCESS SERVER. WE FILED OR MS. SAYERS-ROODS  
11:14AM 2 FILED ON BEHALF OF THE TRIBE BEING THE TRIBAL CHAIR COUNCIL HAD  
11:14AM 3 FILED A USM285, DOCKET ENTRY NUMBER 3.

11:15AM 4 THE COURT: SO MY QUESTION IS A LITTLE SIMPLER.

11:15AM 5 IF THERE IS A DISTURBANCE ON INDIAN LAND, THE PARTY ON  
11:15AM 6 INDIAN LAND, A RESIDENT, CAN CALL THE SHERIFF FOR POLICE  
11:15AM 7 ASSISTANCE. YOU DON'T HAVE TO GO THROUGH THE IA AND THOSE  
11:15AM 8 THINGS.

11:15AM 9 IF THERE IS AN URGENT MATTER, MY UNDERSTANDING IS THAT THE  
11:15AM 10 SHERIFF IS OBLIGATED TO RESPOND TO ANY CONDUCT, IF THERE'S AN  
11:15AM 11 ASSAULT AND BATTERY ON INDIAN LAND.

11:15AM 12 I DON'T THINK THE TRIBE HAS A TRIBAL POLICE FORCE, DO  
11:15AM 13 THEY?

11:15AM 14 MR. PETERSON: NO, YOUR HONOR. AT THE MOMENT, THE  
11:15AM 15 TRIBAL COMMUNITY IS SMALL AND IT CONSISTS OF THREE TRIBAL  
11:15AM 16 MEMBERS, YOU KNOW, TWO TRIBAL MEMBERS THAT HAVE ROLES WITH THE  
11:15AM 17 BUREAU OF INDIAN AFFAIRS, AND MS. SAYERS-ROODS TO MY LEFT WAS  
11:16AM 18 RECENTLY APPOINTED AND ELECTED AS THE TRIBAL COCHAIR BACK IN  
11:16AM 19 FEBRUARY OF THIS YEAR.

11:16AM 20 THE COURT: NO, I UNDERSTAND.

11:16AM 21 MR. PETERSON: MS. ANN MARIE SAYERS WAS NOT IN A  
11:16AM 22 PROFESSIONAL CAPACITY.

11:16AM 23 THE COURT: SIR, I UNDERSTAND THE HISTORY OF THAT  
11:16AM 24 AND THE ROLES. THAT'S BEEN IDENTIFIED IN THE PLEADINGS, BUT MY  
11:16AM 25 QUESTION RELATES TO IF THERE IS SOME TYPE OF INCIDENT ON INDIAN

11:16AM 1 LAND, THE SHERIFF, THE SAN BENITO COUNTY SHERIFF IS A LAW  
11:16AM 2 ENFORCEMENT OFFICER, AGENCY THAT WOULD RESPOND TO A CALL, AND  
11:16AM 3 I'M CURIOUS WHY THE SHERIFF'S OFFICE, FIRST OF ALL, WHETHER  
11:16AM 4 THEY'VE BEEN CONTACTED, AND, SECONDARILY, WHY THEY'RE NOT  
11:16AM 5 RESPONDING TO A CALL, IF THERE HAS BEEN A CALL, ABOUT AN  
11:16AM 6 ASSAULT, ABOUT TRESPASS, THOSE TYPES OF THINGS.

11:16AM 7 MR. PETERSON: YOUR HONOR, IN THE PRESENT, THE  
11:17AM 8 DISTRICT ATTORNEY AND MYSELF HAVE HAD CORRESPONDENCE TO THE  
11:17AM 9 EFFECT THAT THEY HAVE INTEREST TO SEEK CRIMINAL ACTION WITH  
11:17AM 10 RESPECT TO A BURGLARY AND BATTERY WHEREAS THE DISTRICT ATTORNEY  
11:17AM 11 FOR SAN BENITO COUNTY HAS TOLD ME THAT HE HAS NO JURISDICTION  
11:17AM 12 TO CREATE A PROSECUTION FOR MS. MACHADO WITH RESPECT TO THE  
11:17AM 13 RURAL MAILBOX THAT BELONGS TO THE TRIBAL COMMUNITY AND THE  
11:17AM 14 P.O. BOX THAT BELONGS TO THE TRIBAL COMMUNITY. THAT WOULD BE A  
11:17AM 15 FEDERAL INTEREST.

11:17AM 16 THE COURT: SURE. I UNDERSTAND THAT.

11:17AM 17 MY QUESTION IS NOT RELATED TO THE MAILBOX. IT'S RELATED  
11:17AM 18 TO THE CONDUCT OF MS. MACHADO AS AGAINST THE MOTHER, AS AGAINST  
11:17AM 19 TRESPASS, AS AGAINST ANY OTHER STATE TYPE OF CRIMINAL ACTIVITY,  
11:17AM 20 AND I'M CURIOUS WHETHER THE SHERIFF HAS BEEN CONTACTED TO COME  
11:17AM 21 AND TAKE CARE OF THOSE SITUATIONS.

11:17AM 22 MR. PETERSON: YOUR HONOR, IN THE PRESENT, THE  
11:17AM 23 SHERIFF, AT THE BEHEST OF THE DISTRICT ATTORNEY, HAS  
11:17AM 24 ADMINISTRATIVELY SET ASIDE THE CRIMINAL ACTION TO AWAIT THE  
11:18AM 25 DECISION WITH THE FEDERAL COURT, AND THEY'RE OF THE

11:18AM 1 UNDERSTANDING THAT SOME OF THE CLAIMS WOULD LEAVE THIS COURT TO  
11:18AM 2 THE STATE COURT OR TO THE DISTRICT ATTORNEY'S DESK AND THE  
11:18AM 3 FEDERAL INTERESTS WOULD REMAIN UNDER THIS COURT OR FEDERAL  
11:18AM 4 AGENCY.

11:18AM 5 THE COURT: OKAY.

11:18AM 6 MR. PETERSON: AND THE BUREAU OF INDIAN AFFAIRS AND  
11:18AM 7 THE FEDERAL GOVERNMENT HAS EXPRESSED TO THE DISTRICT ATTORNEY,  
11:18AM 8 FROM MY UNDERSTANDING, THAT THEY WOULD LIKE TO SEEK A WANT OF  
11:18AM 9 PROSECUTION AGAINST MS. MACHADO.

11:18AM 10 THE COURT: THEY WOULD LIKE TO SEEK A WHAT? WHAT IS  
11:18AM 11 A WANT OF PROSECUTION?

11:18AM 12 MR. PETERSON: THEY'RE LOOKING TO PROCEED WITH  
11:18AM 13 CHARGES AGAINST HER.

11:18AM 14 THE COURT: THE UNITED STATES ATTORNEY'S OFFICE IS?

11:18AM 15 MR. PETERSON: I'M NOT SURE OF THE AUSA. I HAVEN'T  
11:18AM 16 SPOKEN WITH THE AUSA, YOUR HONOR. I DON'T WANT TO MISSTATE  
11:18AM 17 ANYTHING FOR THE RECORD.

11:18AM 18 THE COURT: SO THE SOURCE OF THIS INFORMATION IS?

11:18AM 19 MR. PETERSON: THE SAN BENITO COUNTY DISTRICT  
11:18AM 20 ATTORNEY.

11:18AM 21 THE COURT: I SEE.

11:18AM 22 MR. PETERSON: THEY'VE BEEN CONTACTED BY THE FEDERAL  
11:18AM 23 GOVERNMENT. CURRENTLY THE CORRESPONDENCE IS BETWEEN SPECIAL  
11:18AM 24 AGENT LORENZ FOR THE BUREAU OF INDIAN AFFAIRS. I GUESS HE'S IN  
11:18AM 25 THE CRIMINAL DIVISION. I DON'T KNOW IF HE'S GOT A NEXUS WITH

11:19AM 1 THE DOJ, I PRESUME SO, AND THE D.A. AGAIN, THEY ARE ONLY  
11:19AM 2 INTERESTED IN CRIMINALLY PROSECUTING THE BATTERY AND THE  
11:19AM 3 BURGLARY.

11:19AM 4 THE COURT: CORRECT.

11:19AM 5 THEY, THE DISTRICT ATTORNEY?

11:19AM 6 MR. PETERSON: YES, YOUR HONOR.

11:19AM 7 THE COURT: RIGHT. SO THAT'S THE STATE CAUSES OF  
11:19AM 8 ACTION THAT I WAS TALKING ABOUT, CALIFORNIA PENAL CODE  
11:19AM 9 VIOLATIONS.

11:19AM 10 MR. PETERSON: YES, YOUR HONOR, CLAIMS 1 AND 3.

11:19AM 11 THE COURT: SO AS TO THAT, I'M NOT CERTAIN AT THIS  
11:19AM 12 POINT THAT THIS, AS I SAID, THAT THIS COURT HAS JURISDICTION.

11:19AM 13 THE POST OFFICE BOX ISSUE, IT SOUNDS LIKE THAT -- YOU'VE  
11:19AM 14 DONE THAT. YOU'VE CONTACTED THE POSTAL INSPECTOR'S OFFICE AND  
11:19AM 15 THEY'RE ENGAGED IN AN INVESTIGATION ABOUT MS. MACHADO'S ALLEGED  
11:19AM 16 CONDUCT.

11:19AM 17 MR. PETERSON: YOUR HONOR, MAY I ADD TO THE RECORD  
11:19AM 18 JUST AS A WITNESS WITH RESPECT TO THE COSTANOAN-CHUALAR INDIAN  
11:19AM 19 TRIBAL COMMUNITY IN INDIAN CANYON, I HAVE OBSERVED THAT THIS  
11:20AM 20 PARTICULAR TORT IS AD INFINITUM. IT'S ONGOING.

11:20AM 21 AND CURRENTLY THE INSPECTOR GENERAL, THEY HAVE OPENED UP  
11:20AM 22 AN SPECIAL INVESTIGATION, AND THEY DECLARED THAT IN DOCKET  
11:20AM 23 NUMBER 63. HOWEVER, I -- CLEARLY I'VE OBSERVED THIS FROM MY  
11:20AM 24 LEGAL EXPERTISE AS A NON-ATTORNEY FOR THE STATE OF CALIFORNIA  
11:20AM 25 BUT AS AN ATTORNEY FOR THE, YOU KNOW, LEGAL COUNSEL FOR THE



11:20AM 1 TRIBAL COMMUNITY, AND ALSO FOR SOMEBODY WITH A LAW DEGREE, I  
11:20AM 2 WOULD SAY THAT THE TORT CURRENTLY WITH RESPECT TO THE MAILBOX,  
11:20AM 3 THERE'S MAIL THAT HAS BEEN COMING FROM GOVERNMENT AGENCIES.

11:20AM 4 IF YOU LOOK AT THE RECORD, I HAVE OBSERVED THE RECORD THAT  
11:20AM 5 MS. KANYON SAYERS-ROODS HAS PUT IN IN PRO SE, THERE ARE  
11:20AM 6 DOCUMENTS FROM THE U.S. ARMY SHOWING ACTIVE CONTACTS, THERE WAS  
11:20AM 7 DOCUMENTS FROM THE SANTA CLARA MUNICIPALITY LOCAL GOVERNMENT,  
11:20AM 8 AND THERE ARE OTHER MAIL ITEMS THAT COME IN AND OUT OF THIS  
11:21AM 9 FEDERAL PROPERTY THAT THE DEFENDANT CURRENTLY HAS ACCESS TO  
11:21AM 10 ILLEGALLY, AND IF THERE'S NOTHING DONE BY THIS COURT, THE TORT  
11:21AM 11 WOULD CONTINUE, AND IT WOULD CAUSE MORE HARM AND DAMAGE TO THE  
11:21AM 12 TRIBAL COMMUNITY.

11:21AM 13 THE COURT: I UNDERSTAND.

11:21AM 14 MR. PETERSON: AND THE PROPOSED ORDER, YOUR HONOR,  
11:21AM 15 IT SAYS TO THE EFFECT OF THE LEAVE OF CAUSES ONE AND THREE TO  
11:21AM 16 THE STATE COURT AND ONLY SEEKING TRO FOR CAUSE CLAIM TWO.  
11:21AM 17 THAT'S WHAT I OBSERVED IN THE RECORD, YOUR HONOR, AT DOCKET  
11:21AM 18 ENTRY NUMBER 17.

11:21AM 19 THE COURT: RIGHT. AND THAT'S THE PURPOSE THAT  
11:21AM 20 WE'RE HERE TODAY, SIR, IS TO DETERMINE WHETHER OR NOT THIS  
11:21AM 21 COURT HAS JURISDICTION TO DO THAT OR WHETHER THAT IS A SEPARATE  
11:21AM 22 STAND ALONE INVESTIGATION FOR THE UNITED STATES POSTAL SERVICE  
11:21AM 23 TO ENGAGE IN, AND THAT WAS PART OF OUR CONVERSATION TODAY. I'M  
11:21AM 24 GLAD YOU PARSED OUT THOSE OTHER COUNTS, THE PENAL CODE  
11:21AM 25 VIOLATIONS, POTENTIAL PENAL CODE VIOLATIONS THAT I MENTIONED.

11:21AM 1 I DON'T KNOW IF THOSE ARE HAPPENING OR ONGOING, BUT I CITE  
11:21AM 2 THOSE JUST BASED ON THE ALLEGATIONS IN THE DOCUMENTS THAT ARE  
11:22AM 3 IN FRONT OF ME.

11:22AM 4 THIS COURT DOES NOT HAVE JURISDICTION FOR THE STATE, THOSE  
11:22AM 5 STATE VIOLATIONS. I'M GLAD TO HEAR THAT YOU HAVE PURSUED THOSE  
11:22AM 6 WITH THE SAN BENITO COUNTY DISTRICT ATTORNEY. WHAT WAS HIS  
11:22AM 7 NAME? HE WAS RECENTLY ELECTED, I BELIEVE.

11:22AM 8 MR. PETERSON: I'M NOT SURE. MY CONTACT DIRECTLY IS  
11:22AM 9 THE CRIMINAL DIVISION IS MR. VICTOR CASADA.

11:22AM 10 THE COURT: CASADA?

11:22AM 11 MR. PETERSON: UH-HUH. I THINK HE'S THE ASSOCIATE  
11:22AM 12 TO THE PRIMARY D.A. I SPOKE TO THE PRIMARY D.A. I THINK HIS  
11:22AM 13 NAME IS -- OH, MAN, WE WERE ON A CONFERENCE CALL.

11:22AM 14 THE COURT: THAT'S FINE.

11:22AM 15 MR. PETERSON: I'M BAD WITH THE NAMES.

11:22AM 16 THE COURT: THAT IS FINE.

11:22AM 17 MR. PETERSON: YOUR HONOR, MAY I ASK ARE YOU IN A  
11:22AM 18 CAPACITY TO MAKE A RECOMMENDATION TO EXPEDITE THE  
11:22AM 19 ADMINISTRATIVE PROCEDURE WITH THE U.S. POSTAL INSPECTOR DUE TO  
11:22AM 20 THE FACT THAT FROM WHAT I'VE OBSERVED IN DOCKET ENTRY NUMBER 17  
11:22AM 21 THAT WAS FILED BY THE PRO SE PLAINTIFF, IT WAS SEEKING JUST THE  
11:22AM 22 TEMPORARY RELIEF, SO IF A RECOMMENDATION HAD BEEN AN ADDENDUM  
11:23AM 23 WITH THE PROPOSED ORDER FOR THE RELIEF TO THE EFFECT OF STAY  
11:23AM 24 AWAY FROM THE MAILBOX AND THE P.O. BOX, THERE'S A  
11:23AM 25 POSSIBILITY -- I MEAN, THE RELIEF WITH RESPECT TO THE LEAVE TO

11:23AM 1 THE STATE, WE PROBABLY -- THE TRIBE IS NOT GOING TO HAVE ANY  
11:23AM 2 INTEREST TO PROSECUTE OR CIVILLY PROSECUTE MS. MACHADO. SHE  
11:23AM 3 DOESN'T HAVE ANY ASSETS. SHE DOESN'T HAVE ANY MONEY. SHE'S A  
11:23AM 4 TRESPASS --

11:23AM 5 THE COURT: I'M TALKING ABOUT CRIMINAL ACTION TAKEN  
11:23AM 6 FROM THE D.A.

11:23AM 7 SIR, WE CAN ONLY TALK ONE AT A TIME.

11:23AM 8 I WAS TALKING ABOUT CRIMINAL ACTION. YOU KNOW, MS. ROODS  
11:23AM 9 WOULD LIKE TO HAVE HER REMOVED, AND IF SHE'S A TRESPASSER, THE  
11:23AM 10 SHERIFF IS THE ONE WHO WOULD TAKE ACTION ON THAT, NOT ME, THE  
11:23AM 11 SHERIFF WOULD ENGAGE IN THAT TYPE OF CONDUCT.

11:23AM 12 AS TO YOUR QUESTION ABOUT WHETHER OR NOT I CAN RECOMMEND  
11:23AM 13 SOMETHING TO THE POSTAL INVESTIGATION TO ENHANCE THEIR  
11:23AM 14 INVESTIGATION, I DON'T BELIEVE I HAVE JURISDICTION TO DO THAT,  
11:23AM 15 SIR. I DON'T BELIEVE I DO. I THINK THAT'S A STAND-ALONE  
11:23AM 16 INVESTIGATION, AND COURTS DO NOT ENGAGE IN TELLING  
11:24AM 17 INVESTIGATORY -- I CAN'T TELL THE UNITED STATES ATTORNEY TO  
11:24AM 18 RAMP UP AN INVESTIGATION ON A CASE, AND IT'S VERY SIMILAR IN  
11:24AM 19 THIS REGARD. SO I DON'T THINK I'LL BE ABLE TO DO THAT.

11:24AM 20 I APPRECIATE YOU ASKING. IT SUGGESTS TO ME THE URGENCY OF  
11:24AM 21 THE SITUATION FROM YOUR PERSPECTIVE, AND I APPRECIATE THAT.

11:24AM 22 I GUESS WHAT I'M SAYING, SIR, IS THAT IT JUST SEEMS TO ME  
11:24AM 23 THAT OTHER THAN THE INTERFERENCE WITH THE MAIL, THE  
11:24AM 24 UNITED STATES MAIL, THE QUICKEST SOURCE OF RELIEF WOULD BE TO  
11:24AM 25 CONTACT THE STATE AGENCIES, AS YOU'VE DONE THROUGH THE

DISTRICT ATTORNEY'S OFFICE AND/OR THE SHERIFF'S OFFICE TO  
REMOVE A TRESPASSER OR TO PREVENT A THEFT OF OTHER DOCUMENTS.

WHAT I WOULD ENCOURAGE YOU TO DO, SIR, IF YOU COULD, IS  
YOU HAVE THE HANDBOOK FOR OUR PRO SE OFFICE, AND I WOULD  
ENCOURAGE YOU TO MAKE AN APPOINTMENT WITH OUR PRO SE ATTORNEY  
AND SPEAK WITH HIM AND RECEIVE SOME GUIDANCE AS TO NEXT STEPS  
FOR THE LITIGATION.

MR. PETERSON: YOUR HONOR, THE TRIBE HAS MADE  
COMMUNICATION WITH MULTIPLE COURT ATTORNEYS LICENSED IN THE  
STATE OF CALIFORNIA.

DUE TO THE DATE REQUIRING MS. SAYERS-ROODS TO BE IN COURT  
ON THIS PARTICULAR DATE, THERE WERE PAINSTAKING EFFORTS TO --  
WE ACTUALLY RETAINED, THE TRIBE RETAINED SOMEBODY ON BEHALF OF  
MS. SAYERS-ROODS. HE WENT M.I.A. THIS MORNING WE RECEIVED  
NOTICE THAT THE PARTICULAR ATTORNEY WAS TIED UP IN A CASE. THE  
SECOND ATTORNEY THAT WAS NOT RETAINED BUT SAID HE WOULD ENTER A  
NOTICE OF APPEARANCE FOR THIS HEARING ONLY, HE GOT COVID.

THE COURT: OKAY. SO THE LAWYER, OUR LAWYER, THE  
COURT'S LAWYER HAS THE OPPORTUNITY TO FIND COUNSEL WHO WILL  
VOLUNTEER PRO SE, NOT ANY MONEY AT ALL, YOU DON'T HAVE TO PAY  
THEM, THEY'RE BIG LAW FIRMS WHO HAVE LAW FIRMS WHO WILL DO  
PRO BONO WORK, AND THEY WILL -- HE REFERS THE CASE TO THE LAW  
FIRM. THE LAW FIRMS LOOK AT THE CASE AND THEY MAKE A DECISION  
WHETHER THEY WANT TO MAKE A GENERAL APPEARANCE AND MARSHAL THE  
FULL RESOURCES OF THEIR LAW FIRMS TO ASSIST THE PARTIES IN

11:26AM 1 CASES WHERE THERE'S NO, NO NEED TO PAY FOR THE LAWYER'S  
11:26AM 2 SERVICE. THAT'S ONE OF THE BENEFITS OF OUR LAWYER. WE  
11:26AM 3 ACTIVELY, THE COURT, THROUGH THE LAWYER, ACTIVELY RECRUITS LAW  
11:26AM 4 FIRMS WHO AGREE TO RECEIVE CASES AND APPEAR AND LITIGATE THOSE  
11:26AM 5 CASES ON A PRO BONO BASIS, NO FEES FOR ATTORNEY'S FEES NOR  
11:26AM 6 COSTS, AND THIS -- MY SENSE IS THAT THIS IS THE TYPE OF CASE  
11:26AM 7 THAT WOULD PROBABLY BE WELCOMED BY MANY LAW FIRMS TO TAKE ON TO  
11:27AM 8 ASSIST THE TRIBE.

11:27AM 9 THAT WAS ONE OF THE REASONS THAT I REALLY WANTED YOU TO  
11:27AM 10 SPEAK WITH OUR LAWYER SO HE -- AS I SAID, HE CANNOT REPRESENT  
11:27AM 11 ANYONE. HE'S A LICENSED LAWYER. BUT HIS JOB IS NOT TO  
11:27AM 12 REPRESENT A PARTY. HIS JOB IS TO ASSIST PARTIES IN THE FILLING  
11:27AM 13 OUT OF THEIR PAPERS, THE FORMS, THOSE TYPES OF THINGS, GIVE  
11:27AM 14 THEM ADVICE ON HOW TO PROSECUTE THEIR CASE, BUT HE ALSO, HE  
11:27AM 15 ALSO HAS RESOURCES OF LAW FIRMS AVAILABLE WHO WILL -- WHO HAVE  
11:27AM 16 AGREED TO HAVE LAWYERS FROM THEIR FIRMS STAND IN AND REPRESENT  
11:27AM 17 AN INDIVIDUAL IN THE APPROPRIATE CASE, AND I'VE HAD MANY  
11:27AM 18 LAWYERS COME IN AND APPEAR, BIG LAW FIRMS, COME IN AND APPEAR  
11:27AM 19 AND REPRESENT PARTIES AT NO COST TO THAT PARTY. ITS THEIR PRO  
11:27AM 20 BONO SERVICE.

11:27AM 21 THAT'S ONE REASON WHY I REALLY WANTED YOU TO TALK TO THE  
11:27AM 22 LAWYER.

11:27AM 23 YES, MA'AM.

11:28AM 24 MS. SAYERS-ROODS: THEY CONTRACTED COVID SO I DID  
11:28AM 25 NOT HAVE A CHANCE TO --

11:28AM 1 THE COURT: WELL, YOU HAVE THE NUMBER. I DON'T KNOW  
11:28AM 2 IF HE'S IN. I DON'T THINK HE IS TODAY. HIS OFFICE IS ON THE  
11:28AM 3 SECOND FLOOR. USUALLY HE PARTICIPATES VIA APPOINTMENTS, BUT I  
11:28AM 4 GUESS WE COULD CALL HIM AND SEE IF HE'S IN. IS THAT POSSIBLE?  
11:28AM 5 OR E-MAIL HIM?

11:28AM 6 THE CLERK: I'LL SEARCH THE NUMBER. YES, YOUR  
11:28AM 7 HONOR.

11:28AM 8 THE COURT: GIVE ME JUST A MOMENT.  
11:28AM 9 (PAUSE IN PROCEEDINGS.)

11:31AM 10 THE CLERK: HE'S NOT IN TODAY. I'LL GIVE THE  
11:31AM 11 NUMBER.

11:31AM 12 THE COURT: YES. WE'LL GIVE YOU THE CONTACT  
11:31AM 13 INFORMATION. APPARENTLY HE'S NOT IN TODAY, REGRETTABLY. SO  
11:31AM 14 WE'LL GIVE YOU THAT. I WOULD ENCOURAGE YOU TO FOLLOW UP AND  
11:31AM 15 SHARE SOME OF THIS INFORMATION WITH HIM FOR GUIDANCE AND  
11:31AM 16 PERHAPS REFERRAL TO A LAW FIRM WHO CAN STAND IN AND REPRESENT  
11:31AM 17 YOU.

11:31AM 18 AS I SAID BEFORE, I'M NOT CERTAIN THAT I HAVE JURISDICTION  
11:31AM 19 TO HEAR THE MATTER NOTWITHSTANDING ALL OF THE HARD WORK YOU'VE  
11:31AM 20 DONE, TO SHOW ME IN THE DOCUMENTS THAT YOU'VE PROVIDED.

11:31AM 21 THEY DO SHOW, LET ME SAY THIS, THEY DO SHOW AN EXHIBIT,  
11:31AM 22 ONE OF THE THINGS THAT YOU -- THE EXHIBITS THAT YOU PROVIDED  
11:31AM 23 WAS INFORMATION REGARDING CONSTRUCTION WORK THAT THE STATE AND  
11:32AM 24 FEDERAL GOVERNMENT, I THINK, WERE GOING TO DO ON THE  
11:32AM 25 HARTNELL BRIDGE ROAD, I THINK, AND THAT REQUIRED, WHEN

11:32AM 1 CONSTRUCTION IS DONE NEAR INDIAN LAND, THAT REQUIRES  
11:32AM 2 NOTIFICATION OF THE VARIOUS TRIBES AND NATIONS.

11:32AM 3 YOU PROVIDED ME IN YOUR EXHIBITS INFORMATION THAT SHOWS  
11:32AM 4 THAT WHEN THE GOVERNMENT SOUGHT TO IDENTIFY, THEY HAD YOU  
11:32AM 5 LISTED, AND I THINK YOUR MOTHER, LISTED AS THE TRIBAL CONTACTS,  
11:32AM 6 BUT IN THE DOCUMENTS IT SHOWS THAT AT LEAST FROM THEIR RECORDS,  
11:32AM 7 THERE WAS NO CONTACT OR NO RESPONSE MADE.

11:32AM 8 AND MY SENSE IS THAT YOU PUT THAT IN TO SHOW ME AND TO  
11:32AM 9 OFFER AS EVIDENCE THAT MS. MACHADO, WHO WAS TAKING THE MAIL,  
11:32AM 10 SUCH THAT YOU HAD NO NOTICE ABOUT THIS WORK THAT WAS BEING DONE  
11:32AM 11 NEAR TRIBAL LAND.

11:32AM 12 MS. SAYERS-ROODS: RIGHT.

11:32AM 13 THE COURT: AND THERE WERE SEVERAL DOCUMENTS THAT  
11:32AM 14 REFERENCED THAT. THESE ARE DOCUMENTS FROM THE STATE GOVERNMENT  
11:33AM 15 AND FEDERAL GOVERNMENT, AND THAT'S INAPPROPRIATE BECAUSE THIS  
11:33AM 16 DOES AFFECT TRIBAL LAND, AND YOU AS THE AUTHORIZED  
11:33AM 17 REPRESENTATIVE OF THE TRIBE, YOU SHOULD HAVE THE OPPORTUNITY TO  
11:33AM 18 COMMENT.

11:33AM 19 ONE OF THE THINGS THAT HAPPENS, WE KNOW, WHEN MAJOR  
11:33AM 20 CONSTRUCTION IS DONE LIKE THIS, THE STATE HAVE -- THEY HAVE  
11:33AM 21 ARCHEOLOGISTS AND STATE REPRESENTATIVES WHO -- THEIR JOBS ARE  
11:33AM 22 TO MAKE SURE AND ENSURE THAT SACRED LAND IS NOT DISTURBED, THAT  
11:33AM 23 IF THERE IS GOING TO BE ANY INTERFERENCE WITH INDIAN LAND, THE  
11:33AM 24 APPROPRIATE PARTIES ARE NOTIFIED, SACRED AREAS ARE DESIGNATED  
11:33AM 25 SO THERE COULD BE WORKAROUNDS, THERE ARE ALSO ARCHEOLOGY TEAMS

11:33AM 1 THAT EXIST BEFORE CONSTRUCTION IS DONE, AND DURING CONSTRUCTION  
11:33AM 2 THEY'RE ON SITE IN CASE THERE'S ANY DISTURBANCE OF ARTIFACTS OR  
11:34AM 3 ANY OTHER NATIVE ITEMS.

11:34AM 4 YES, MA'AM.

11:34AM 5 MS. SAYERS-ROODS: AS A DESIGNATED MLD, MOST LIKELY  
11:34AM 6 DESCENDENT, I AM ON SITE WITH THOSE ARCHEOLOGISTS AND I  
11:34AM 7 CONDUCT --

11:34AM 8 THE COURT: COULD YOU SLOW DOWN.

11:34AM 9 MS. SAYERS-ROODS: I AM AN MLD, MOST LIKELY  
11:34AM 10 DESCENDENT, AND I CONDUCT CULTURAL SENSITIVITY TRAININGS WITH  
11:34AM 11 THE ARCHEOLOGISTS ON SITE, THE BIOLOGISTS, AND THE CONTRACTED  
11:34AM 12 WORKERS, FOREMANS, AND ANY OF THE APPLICANTS. OUR TRIBE  
11:34AM 13 MANDATES IT.

11:34AM 14 THE COURT: RIGHT. YES.

11:34AM 15 MS. SAYERS-ROODS: SO THEY CAN ABIDE BY NAGPRA,  
11:34AM 16 NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT, AND  
11:34AM 17 CEQA, CALIFORNIA ENVIRONMENTAL QUALITIES ACT, SECTION 106 AND  
11:34AM 18 AB 52. SO I'M ON SITE RIGHT THERE WITH THEM, AND THERE'S A LOT  
11:34AM 19 OF MAIL THAT IS NOT BEING RESPONDED TO.

11:34AM 20 THE COURT: RIGHT. I APPRECIATE THAT. THANK YOU  
11:34AM 21 FOR AUGMENTING THE RECORD FOR YOUR DUTIES. YOU HAVE KNOWLEDGE  
11:35AM 22 OF THIS AND YOU PARTICIPATE IN THAT, AND IT'S IMPORTANT THAT  
11:35AM 23 ARTIFACTS ARE NOT BROKEN, DISTURBED OR LOST, AND IT'S IMPORTANT  
11:35AM 24 THAT SACRED LAND IS KEPT SACRED, AND THE CONTRACTORS CAN WORK  
11:35AM 25 AROUND THAT. ALL OF THIS IS VERY IMPORTANT, AND IT'S AN



11:35AM 1 IMPORTANT PROCESS, AND IT SOUNDS LIKE MS. MACHADO IS, PER YOUR  
11:35AM 2 PLEADINGS AND PER THE INFORMATION THAT YOU'VE PROVIDED, YOU  
11:35AM 3 SUGGEST THAT SHE'S INTERFERING WITH THIS, TO THE DETRIMENT OF  
11:35AM 4 THE TRIBE AND POTENTIAL DETRIMENT TO TRIBAL LANDS AND LOSS OF  
11:35AM 5 ADDITIONAL TRIBAL ARTIFACTS.

11:35AM 6 SO I RECOGNIZE THAT. THANK YOU.

11:35AM 7 I THINK WE'VE GIVEN YOU THE CONTACT INFORMATION. YES. SO  
11:35AM 8 I'M GOING TO ENCOURAGE YOU TO REACH OUT AND LEAVE A MESSAGE,  
11:35AM 9 SEND AN E-MAIL, SHARE WITH HIM OUR CONVERSATION THIS MORNING,  
11:35AM 10 AND I WELCOME YOU TO TELL HIM THAT THE JUDGE SAID WE SHOULD  
11:35AM 11 TOOK AS SOON AS POSSIBLE.

11:35AM 12 ALL RIGHT. THANK YOU VERY MUCH. I DON'T THINK I NEED ANY  
11:36AM 13 MORE INFORMATION ON -- AS TO THE ORDER TO SHOW CAUSE THAT I  
11:36AM 14 SET. I MAY SEND AN ORDER OUT EXPLAINING WHAT HAPPENED AND ANY  
11:36AM 15 LIMITATIONS THAT I HAVE AS TO JURISDICTION AT THIS POINT, BUT  
11:36AM 16 IF I DON'T HAVE JURISDICTION, I -- THAT SHOULD NOT DISCOURAGE  
11:36AM 17 YOU FROM GOING FORWARD WITH ANY LITIGATION YOU NEED TO PURSUE  
11:36AM 18 TO PROTECT TRIBAL INTERESTS, AND I THINK THE COURT'S LAWYER CAN  
11:36AM 19 GIVE YOU THOUGHTS AND SUGGESTIONS ON THAT.

11:36AM 20 IF HE TELLS ME THAT AND TELLS YOU THAT YOU SHOULD COME  
11:36AM 21 BACK TO COURT FOR SOME OTHER REASON, I WOULD BE HAPPY TO  
11:36AM 22 RECEIVE YOU, AND WE CAN HAVE THAT CONVERSATION.

11:36AM 23 ALL RIGHT. THANK YOU. THANK YOU, SIR, FOR BEING HERE.

11:36AM 24 MR. PETERSON: THANK YOU, YOUR HONOR.

11:36AM 25 MS. SAYERS-ROODS: THANK YOU, YOUR HONOR.

11:36AM

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THE COURT: YOU'RE WELCOME.

11:36AM

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(COURT CONCLUDED AT 11:36 A.M.)

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